

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Larry Ruffin,
Petitioner

v.

Case No. 1:08-cv-582

Warden, Lebanon Correctional
Institution,
Respondent

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed October 16, 2008 (Doc. 4).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. This matter is **DISMISSED** for lack of prosecution for failing to respond to a Court Order. *See* Fed.R.Civ.P. 41(b); *see also* Rule 11, Rules Governing Section 2254 cases in the United States District Courts, 28 U.S.C. foll. § 2254.

Date: November 12, 2008

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Judge